



UNITED STATES PATENT AND TRADEMARK OFFICE

Technology Center 1700

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In re application of :
Barry C. Muffoletto et al. : DECISION ON
Serial No. 09/628,174 : PETITION
Filed: May 01, 1997 :
For: METHOD FOR IMPROVING ELECTRICAL CONDUCTIVITY OF
METALS, METAL ALLOYS AND METAL OXIDES :

This is a response to the "PETITION TO THE COMMISSIONER UNDER 37 C.F.R.1.181(a) TO WITHDRAW HOLDING OF ABANDONMENT", filed November 15, 2004. The petition requests that the abandonment, as set forth in the Notice of Abandonment of October 15, 2004, for failure to timely file a proper response to the Decision by the Board of Patent Appeals and Interferences rendered on July 21, 2004 be withdrawn. The petitioner asserts that applicants timely filed a Request for Rehearing under 37 CFR 1.197(b) on September 21, 2004.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee).

A review of the petitioner's evidence provided with the instant petition indicates that the request has merit. The evidence is sufficient to establish that the applicants filed a Request for Rehearing in a timely manner. The submitted evidence are :(1) a copy of the Request for Rehearing with an executed Certificate of First Class Mailing dated September 21, 2004 (Exhibits A and B); and (2) a copy of the returned stamped postcard confirming receipt of the Request for Rehearing by the USPTO dated September 23, 2004.

Therefore, the abandonment is hereby withdrawn, and the application is returned to



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pending status. The case will be forwarded to the Board of Patent Appeals and Interference to process the Request for Rehearing.

The Petition is **GRANTED**.



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